



REMARKS

Claims 1 through 21 are in the application, with Claims 1, 8, 16 and 19 being independent. The pending claims are subject to a restriction requirement. In particular, the Office Action groups the claims into Claims 1 through 7 (Group I) and Claims 8 through 21 (Group II). Election of Group I or Group II is required because the two Groups are alleged to be distinct.

Applicant provisionally elects Claims 8 through 21. Examination and allowance of the elected claims are respectfully requested.

This provisional election is made with traverse. Applicant requests reconsideration of the restriction requirement in light of the following arguments, and pursuant to 37 CFR §1.143. As grounds for traversal, Applicant submits that the claims do not satisfy the test for "distinctness" set forth in MPEP §806.05(e).

As noted in the Office Action, claims directed to a process and an apparatus for its practice are distinct if either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. The Office Action alleges that the claimed inventions satisfy the second prong of the above test. In particular, the Office Action alleges that "the apparatus as claimed can be used to practice a distinct process where one and the same head is used for placing as well as applying energy to the IC die."

Applicant respectfully disagrees with the above allegation. An apparatus according to Claim 8, for example, does not specify a head that can be "used for placing as well as applying energy to the IC die." Rather, an apparatus according to Claim 8 includes a placement head to place a die and a bonding head to apply energy to the die. Claim 8 cannot be reasonably read to specify a single head to place and to apply energy to the die as suggested in the Office Action. Rather, the elements of Claim 8 are defined by respective steps of the Claim 1 method. The apparatus of Claim 8 therefore cannot be used to practice another process that is materially different from the method of Claim 1.

Applicant therefore respectfully requests withdrawal of the outstanding restriction requirement and examination of Claims 1 through 21 on the merits. In this regard, Claims 1 through 21 are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.



Application Serial No.: 10/689,010
Amendment and Response to March 23, 2005 Restriction Requirement

CONCLUSION

If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact Nandu A. Talwalkar using the information provided below.

Respectfully submitted,

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Date

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